

1
2
3
4
5
6
7
8
9

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 PAUL ROGERS,

11 Plaintiff,

12 v.

13 DOUG WADDINGTON, *et al.*,

14 Defendants.

Case No. 05-5231FDB

ORDER TO SHOW CAUSE TO
DEFENDANT WADDINGTON

15 This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to
16 Title 28 U.S.C. §§ 636(b)(1)(A), 636(b)(1)(B), and Local Magistrates' Rules MJR 1, MJR 3, and
17 MJR 4. The plaintiff has been granted leave to proceed *in forma pauperis*. (Dkt. # 3). Plaintiff
18 alleges that unnamed mailroom staff at SCCC violated his access to courts by withholding his legal
19 mail without procedural due process. Plaintiff has amended his Complaint in an attempt to name the
20 appropriate party for service. Before the court is the motion of Defendants Superintendent Doug
21 Waddington and the Washington State Department of Corrects to dismiss Plaintiff's causes of action
22 under Fed. R. Civ. P. 12(b)(6) for failure to allege personal participation and because DOC is not a
23 proper defendant under 42 U.S.C. § 1983. (Dkt. # 19). Plaintiff responds that he is unable to name
24 a proper defendant because employees at SCCC refuse to provide him with the name of the

25
26 ORDER - 1

1 individual who processed his mail.

2 Defendant Waddington is **ORDERED TO SHOW CAUSE** why the name of the
3 individual(s) who processed Plaintiff's legal mail between October 2, 2003 and October 6, 2003,
4 should not be provided to Plaintiff.

5 Defendant Waddington shall respond to this Order to Show Cause **no later than May 26,**
6 **2006.** If Defendant fails to respond, the court will consider appropriate sanctions.

7

8 DATED this 11th day of May, 2006.

9

10



11 Karen L. Strombom
12 United States Magistrate Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

ORDER - 2